THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

–

WRIT PETITION No.21809 of 1997

–

DATED : 24.01.2007

–

Between:

–

Deputy Executive Engineer,

Gotta Barrage Sub Division,

Vamsadhara Project,

Srikakulam District.

…. **PETITIONER**

And:

–

D.Endu S/o Thoudu,

Tulagam (v) Srikakulam District

and another.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

–

WRIT PETITION No.21809 of 1997

ORDER:

The first respondent, whose services were terminated in the year 1973 by the

petitioner herein, raised an industrial dispute, being I.D.No.54 of 1991, before the Industrial Tribunal at Visakhapatnam. It was alleged in the said I.D., that the first respondent worked as a man-mazdoor under the petitioner during the period from 1970 to 1973 continuously, but he was retrenched from service in the year 1973 without notice and without paying any compensation, while his juniors were retained. Hence he sought a direction to the petitioner herein to regularize his services. The Industrial Tribunal, having accepted the said contention, ordered reinstatement of the first respondent, however, rejected to award back wages and continuity of service, vide award dated 25.09.1996. Aggrieved by the order of reinstatement, the petitioner filed this writ petition seeking a writ of certiorari calling for the records relating to I.DNo.54 of 1991 and quash the award dated 25.09.1996.

Despite service of notice, the first respondent has not chosen to put in his appearance. Hence, this writ petition is disposed of after hearing the learned Assistant Government Pleader for Irrigation.

From the narration of events it is clear that the first respondent worked for few days with the petitioner during the period from 1970-73 and even according to him, his services were terminated in the year 1973 by the petitioner herein. Thereafter, he raised an industrial dispute in the year 1991 and the award was passed on 25.09.1996. When his services were terminated as early as in the year 1973, it is not known as to why he did not raise any dispute before the Industrial Tribunal till 1991. Even after the award, he could not be reinstated in view of the orders passed by this Court on 11.09.1997, suspending the impugned award dated 25.09.1996. Therefore, since 1973 the first respondent is out of service. In my considered view, this Court cannot order reinstatement of the first respondent at this stage.

Accordingly, the writ petition is allowed setting aside the Award dated 25.09.1996 passed by the second respondent in I.D.No.54 of 1991.

_____

24.01.2007

sh